IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 9TH OCTOBER 2006 / 17TH ASWINA 1928

Bail Appl..No. 5985 of 2006

CRIME NO.45/2005 OF KUNNAMANGALAM EXCISE RANGE

PETITIONER/ACCUSED:

DEVAKI, W/O. YESODHARAN,
KOTHANAPARAMBU HOUSE, KAKKAD AMSOM,
NELLIKKAPARAMBU DESOM, KOZHIKODE TALUK.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS: COMPLAINANT & STATE:

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1. THE EXCISE RANGE OFFICER,
EXCISE RANGE, KUNNAMANGALAM, KOZHIKODE.

2. STATE REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09/10/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 5985/2006

DATED THIS THE 9TH DAY OF OCTOBER, 2006

O R D E R

The petitioner is before this Court, under Section 438 Cr.P.C., as she apprehends arrest in C.R.No.45/2005 of Kunnamangalam Excise Range, for the offence punishable under Section 8(1) of the Abkari Act. She was found in illegal possession of two litres of illicit arrack.

2. The prosecution case is that she could not be arrested at the time of the seizure of contraband, as there was no women police/excise persons along with the excise party, who conducted search in the premises, where the arrack was kept. The prosecution submits that there is no other case registered against the petitioner.

3. In the above facts situation, I direct the petitioner to surrender before the Judicial Magistrate of First Class-II, Thamarassery, on 16.10.2006 at 11.00 a.m.

4. Considering the alleged ailments, which she is

having, I direct the learned Magistrate to allow the petitioner to be on bail, imposing such conditions, as are deemed necessary.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs